



U.S. Department of Justice

*United States Attorney
Southern District of New York*

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

March 29, 2014

BY ECF

The Honorable Denise L. Cote
United States District Judge
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: United States v. Juan Carlos Vidal-Galicia, 13 Cr. 735 (DLC)

Dear Judge Cote:

Juan Carlos Vidal-Galicia (the "defendant") is scheduled to be sentenced in this matter on April 10, 2014, at 4 p.m. For the reasons explained below, the Government respectfully submits that a Guidelines Sentence be imposed at sentencing.

A. Factual Background

The defendant was convicted on or about October 22, 1996, in Bronx County Supreme Court, of Robbery in the Second Degree, which resulted in a sentence of 27 to 54 months' imprisonment. On or about December 15, 1998, the defendant was removed from the United States after his aggravated felony conviction. The defendant reentered the United States and was convicted on or about May 9, 2006, of illegal reentry, which resulted in a sentence of 46 months' imprisonment. On or about April 10, 2009, the defendant was again removed from the United States.

On or about July 19, 2013, the defendant found in Manhattan by members of the New York Police Department. On September 23, 2013, the defendant was indicted for illegal reentry into the United States, in violation of 8 U.S.C. §§ 1326(a) & (b)(2). On January 9, 2014, the defendant pled guilty to the sole count of the Indictment.

B. The Presentence Investigation Report and Guidelines Sentence Recommendation

The Government has reviewed the Presentence Investigation Report ("PSR") submitted by the United States Probation Department ("Probation") and has no objections.

March 29, 2014

Page 2 of 3

Pursuant to U.S.S.G. §§ 2L1.2(a) & 2L1.2(b)(1)(A)(ii), Probation calculates the defendant's adjusted offense level to be 24. (PSR ¶ 23). Pursuant to U.S.S.G. §§ 3E1.1(a) & (b), a three-level reduction is warranted based on the defendant's acceptance of responsibility and timely notification of an intention to plead guilty. (PSR ¶¶ 25, 26). The defendant's total offense level is 21. (PSR ¶ 21).

Probation computes a total of six criminal history points based on the defendant's criminal history, and is in criminal history category III. (PSR ¶ 32, 33). Accordingly, the defendant's Guidelines Range is 46 to 57 months' imprisonment. (PSR ¶ 57).

C. A Guidelines Sentence is Appropriate

The Government submits that a sentence within the advisory Guidelines range would be sufficient, but not greater than necessary, to satisfy: (1) the need to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; and (2) the need to afford adequate deterrence to criminal conduct.

The defendant was convicted of felony offenses in or about October 1996 and January 1997, which resulted in his removal from the United States. Despite being removed from the United States after convictions for serious offenses, the defendant reentered the United States. The defendant was arrested and convicted of illegal reentry in May 2006, and received a sentence of 46 months' imprisonment. However, after the defendant served his sentence for illegal reentry and was removed from the United States for a second time, he has yet again reentered the United States. The defendant's prior conviction for the instant offense did not deter him from reentering the United States. Further, the defendant's conduct in this case demonstrates a disregard for immigration laws.

March 29, 2014

Page 3 of 3

D. Conclusion

For the foregoing reasons, the Government submits that a sentence within the advisory Guidelines range is appropriate here and would be sufficient, but not greater than necessary, to serve the legitimate purposes of sentencing.

Respectfully submitted,

PREET BHARARA
United States Attorney

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